

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

IN RE: ASHLEY MADISON CUSTOMER  
DATA SECURITY BREACH LITIGATION

This Document Relates to:

## ALL CASES

MDL No. 2669

Case No. 4:15-MD-02669-JAR

## DECLARATION OF RICHARD P. CASSETTA

I, Richard P. Cassetta, hereby declare as follows:

1. I am a member of Bryan Cave LLP, attorneys for Avid Dating Life Inc. and Avid Life Media (collectively “Avid”) in this matter. I am a member of the Bar of this Court in good standing. I submit this Declaration in support of Avid’s Motion to Dismiss or Stay and to Compel Arbitration. I have personal knowledge of the facts stated herein.

2. Attached as Exhibit A is a true and correct copy of a decision by the Ontario Superior Court of Justice in *Kanitz v. Rodgers Cable Inc.*, 2002 CarswellOnt 628 (Can. Ont. Sup. Ct. 2002), which Avid cites in support of its Motion to Dismiss or Stay and to Compel Arbitration.

3. Attached as Exhibit B is a true and correct copy of a decision by the Ontario Superior Court of Justice in *Magill v. Expedia Inc.*, 2014 ONSC 2073 (Can. Ont. Super. Ct. 2014), which Avid cites in support of its Motion to Dismiss or Stay and to Compel Arbitration.

4. Attached as Exhibit C is a true and correct copy of a decision by the Ontario Superior Court of Justice in *Rudder v. Microsoft Corp.*, 1999 CarswellOnt 3195 (Can. Ont. Sup. Ct. 1999), which Avid cites in support of its Motion to Dismiss or Stay and to Compel Arbitration.

5. Attached as Exhibit D is a true and correct copy of a decision by the Ontario Court of Appeal in *Donaldson Int'l Livestock Ltd. v. Znamensky Selekcionno-Gibridny Ctr. LLC*, 2008 CarswellOnt 7827 (Can. Ont. Ct. App. 2008), which Avid cites in support of its Motion to Dismiss or Stay and to Compel Arbitration.

6. Attached as Exhibit E is a true and correct copy of a decision by the Ontario Superior Court of Justice in *Xerox Can. Ltd. v. MPI Techs., Inc.*, 2006 CarswellOnt 7850 (Can. Ont. Super. Ct. 2006), which Avid cites in support of its Motion to Dismiss or Stay and to Compel Arbitration.

7. Attached as Exhibit F is a true and correct copy of an excerpt of Plaintiff Gustavo Alfaro's Answers and Objections to Avid's First Set of Interrogatories, which includes Mr. Alfaro's Responses to Interrogatory Nos. 9 and 10.

8. Attached as Exhibit G is a true and correct copy of an excerpt of Plaintiff Marvin Cabiness's Answers and Objections to Avid's First Set of Interrogatories, which includes Mr. Cabiness's Responses to Interrogatory Nos. 9 and 10.

9. Attached as Exhibit H is a true and correct copy of an excerpt of Plaintiff Byron Goetting's Answers and Objections to Avid's First Set of Interrogatories, which includes Mr. Goetting's Responses to Interrogatory Nos. 9 and 10.

10. Attached as Exhibit I is a true and correct copy of an excerpt of Plaintiff Anthony Imbarrato's Answers and Objections to Avid's First Set of Interrogatories, which includes Mr. Imbarrato's Response to Interrogatory Nos. 9 and 10.

11. Attached as Exhibit J is a true and correct copy of an excerpt of Plaintiff Paul Jack's Answers and Objections to Avid's First Set of Interrogatories, which includes Mr. Jack's Responses to Interrogatory Nos. 9 and 10.

12. Attached as Exhibit K is a true and correct copy of an excerpt of Plaintiff Christopher Russell's Answers and Objections to Avid's First Set of Interrogatories, which includes Mr. Russell's Responses to Interrogatory Nos. 6, 9 and 10.

13. Attached as Exhibit L is a true and correct copy of an excerpt of Plaintiff James Shows's Answers and Objections to Avid's First Set of Interrogatories, which includes Mr. Shows's Responses to Interrogatory Nos. 9 and 10.

14. Attached as Exhibit M is a true and correct copy of an excerpt of Plaintiff David Yagel's Answers and Objections to Avid's First Set of Interrogatories, which includes Mr. Yagel's Responses to Interrogatory Nos. 9 and 10.

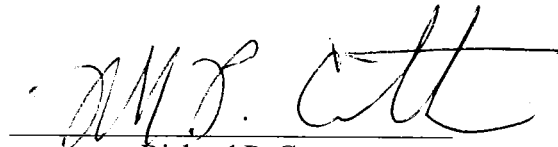
15. Attached as Exhibit N is a true and correct copy of an excerpt of Plaintiff Keith Macomber's Answers and Objections to Avid's First Set of Interrogatories, which includes Mr. Macomber's Responses to Interrogatory Nos. 9 and 10.

16. Attached as Exhibit O are true and correct copies of documents that Plaintiff [REDACTED] produced to Avid at [REDACTED] 000009-10, 17-18, and 20 in response to Avid's First Request for the Production of Documents.

17. Attached as Exhibit P is a true and correct copy of Rule 14(a) of the American Arbitration Association Consumer Arbitration Rules, effective September 1, 2014, available at [www.adr.org/consumer](http://www.adr.org/consumer).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 29, 2016 in St. Louis, Missouri.

  
Richard P. Cassetta